

## **Bulletin to Property Owners – January 2022**

Dear Property Owners,

The Department of Housing Preservation and Development (HPD) periodically provides updates on new legislation and information on available materials and resources to residential building owners to support compliance with the New York City Housing Maintenance Code, the New York State Multiple Dwelling Law and other relevant city codes. This bulletin will be available in other languages on [HPD's webpage](#) within the next two weeks.

*This publication is intended for informational purposes only and is not intended as legal advice. This information is not a complete or final statement of all the duties of owners and tenants regarding laws and rules relating to housing in New York City.*

---

### **Self-Closing Doors**

Fire can be one of the most destructive events to affect your building, endangering the lives of your tenants and responding firefighters, and causing massive and expensive damage to your property. **Self-closing doors prevent fire and smoke from spreading from one apartment to affect an entire building.** As you have seen in the news regarding recent building fires, the FDNY has identified defective self-closing doors in apartments and public hallways as a key factor in the loss of life and significant building damage. You are required to ensure that the doors in your building are self-closing, and you should be proactive in checking that they are in proper working order.

Doors that provide access to interior corridors (i.e. hallways) and stairwells in a multiple dwelling are required to be self-closing (this includes apartment doors and doors to the building exterior). Property owners may opt to equip doors with devices such as overhead door closers, heavy duty door closers, or floor-spring door closers. All self-closing doors must be kept in good repair and checked periodically.

Failure to maintain doors as self-closing is an immediately hazardous violation (Class C) and will result in emergency repairs being initiated by HPD if the property owner fails to comply and timely certify the correction to HPD within 21 days. The property owner will be billed for the repairs if HPD has to complete the emergency repair. If the owner fails to pay, the City will file a tax lien against the property. The tax lien will bear interest and may be sold and/or foreclosed to collect the amount owed. In addition, the property owner may incur civil penalties related to the failure to comply.

Please note that, per [Local Law 115 of 2018](#), property owners are also required to post notices reminding tenants to close their doors when escaping a fire.

**For more information on other fire safety requirements, please visit HPD's webpages on [stove knob covers](#) and [smoke detectors](#). You can also download HPD's [Fire Safety Flyer](#) to learn more about how to prevent fires in your residential building.**

---

## Dismissal Request Updates

A Dismissal Request is the process property owners can use to remove an old violation if the condition was corrected, but the certification date has passed. Starting January 2022, HPD implemented the following updates to the [Dismissal Request](#).

### 1. Lead-Based Paint Violations:

- Owners/agents will not be required to submit verifying documents with their Dismissal Request Application for open lead-based paint violations. After HPD confirms the physical conditions have been addressed, we will issue the owner a **Defect Letter** with instructions on what documents are required and how to submit them to complete the violation dismissal process.
- Owners requiring assistance for lead turnover and record keeping violation order numbers 614, 621, 622, 623, 618, 619, and 620 should contact HPD's Lead Audit Unit directly at 212-863-5501 and select option #5.

### 2. Post-Dismissal Request Self-Certification Process (CV-1)

- This process is available for owners where the Dismissal Request results meet certain criteria; please review the criteria in the Dismissal Request instructions carefully.
- The CV-1 Form has been updated to include new instructions and additional violations that are **not** eligible for dismissal through the Post-Dismissal Request Self-Certification process.
- The CV-1 Form can now be printed from HPD's website.
- Vermin violation order numbers 567, 568, and 569 may now be considered as part of the Post-Dismissal Request Self-Certification process if an owner/agent submits the updated Affidavit of Compliance (AF-6) along with the Post-Dismissal Self-Certification. All documents must be submitted together on the same date for the vermin violations to be considered.

### 3. Condominium and Co-op Apartments:

HPD will accept and process Dismissal Request Applications from individual condominium owners and cooperative shareholders regardless of the Property Registration status and will only re-inspect open violations within the apartment(s) listed on the Dismissal Request Application. Condominium owners and cooperative shareholders must submit the **"Affidavit of Ownership"** form for each apartment along with their Dismissal Request Application.

The Dismissal Request fee to re-inspect one apartment will be \$250.00. If the condominium owner or cooperative shareholder submits a Dismissal Request Application for more than one apartment within the same building, the Dismissal Request fee will be \$300.00, or more depending on the number of violations to be re-inspected. HPD will continue to use the scale of violations (listed on the Dismissal Request instructions) if a condominium or cooperative shareholder owner is applying for multiple units at the same time.

---

## Lead-Based Paint Annual Notice and Investigation

Local Law 1 of 2004 (Local Law 1) requires that owners conduct activities related to lead-based paint. Owners must also retain the records of these activities for at least 10 years and certify compliance with these activities as a part of the annual property registration. **Penalties may be significant for failure to conduct these activities and maintain these records.**

Between **January 1 and January 16**, owners of multiple dwellings built before 1960 (or between 1960 and 1978 if the owner has knowledge there is lead-based paint) were required to deliver an Annual Notice (in English and in Spanish) to each tenant and to collect that completed notice from the tenant by February 15th.

### What is the notice?

- The Annual Notice asks the tenant to disclose if a child under the age of six “resides” in the dwelling unit. “Resides” means a child who lives in the dwelling unit or a child who routinely spends 10 or more hours a week in the dwelling unit.
- There are two versions of the Annual Notice that owners can use. You only need to provide one. One version combines the Local Law 1 notice with Window Guards notice (required for all rental buildings with 3 or more units, regardless of the year built) and the second version is a stand-alone Local Law 1 notice:
  - [Protect Your Child from Lead Poisoning and Window Falls Annual Notice \(Proteja a su Niño del Envenenamiento por Plomo y de las Caídas por las Ventanas Notificación Annual\)](#)
  - [Annual Notice for Prevention of Lead-Based Paint Hazards – Inquiry Regarding Child \(Aviso Annual Para Medidas de Precaución con los Peligros de Plomo en la Pintura-Encuesta Respecto al Niño\)](#)
- The notice must be provided to the tenant in at least English and Spanish and in duplicate (two copies of each) so the tenant can retain a copy and return a copy to the owner.
- Keep documentation that this notice was delivered, make sure your tenants know where to return this notice, and keep the completed notice received back from the tenant.

### What if the tenant does not respond?

- If the tenant does not return the completed notice by February 15th, the owner must conduct follow-up inspections between **February 16 and March 1** to attempt to determine if a child under six lives or routinely spends more than 10 hours per week in the dwelling unit. An owner must keep records of the attempts made to contact the tenant to perform the investigation.
- If the owner does NOT receive the completed notice from the tenant and cannot determine, based on these follow-up investigations, whether there is a child under six, the owner must also notify the [Department of Health and Mental Hygiene](#) (DOHMH) in writing that no notice has been received back from the tenant. The owner’s notification to DOHMH should be mailed to:

Department of Health and Mental Hygiene — Healthy Homes  
125 Worth Street, Sixth Floor, CN58  
New York, NY 10013

### Why does an owner need to collect this information?

- This notice is important because it determines where the owner must do other necessary activities required under Local Law 1, such as performing the annual investigation and following the safe work practices outlined in the law. All the dwelling units where a child is determined to reside as defined above, as well as the common areas of those buildings, are required to be inspected at least annually for lead-based paint hazards.

- See the December 2019 [briefing](#) posted on the HPD website for more information about the required annual investigation for lead-based paint hazards in units and buildings where a child under the age of six resides and safe work practices.

#### **How can an owner track everything?**

- HPD has created forms to assist an owner with documenting that the notice was sent, received back, or any follow-up inspections done, if the notice was not returned by the tenant: see the [Sample Forms for Delivery of Annual Notice Compliance](#).
- HPD has also created a form to assist the owner with documenting the annual investigations: see the [Sample Forms for Annual Investigation Compliance](#).